

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-CR-90

v.

HON. ROBERT HOLMES BELL

CORNONDRE CHARLES CARTER,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Cornondre Charles Carter has filed a motion for modification or reduction of sentence (ECF No. 37) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The Probation Department has filed a Report of Eligibility (ECF No. 40) and finds the Defendant is ineligible for a reduction in sentence under Guideline Amendment 782 because the defendant's base offense level at the time of sentencing was calculated under the career offender guideline. No objections to the report of eligibility have been filed.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 37) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

Dated: June 28, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE